

Type of Appointment and Benefits Chart – Law Clerks

Type of Appointment	Leave Certification Form to Use	Leave	Social Security & Medicare	Federal Employees Health Benefits Program (FEHB) [3]	Federal Employees Dental and Vision Insurance Program (FEDVIP)	Federal Employees Group Life Insurance Program (FEGLI)	Supplemental Benefits [5]	Thrift Savings Plan (TSP)	Retirement
Career Chambers (Generally more than 4 years)	AO 75C	✗ [1]	✓	See FEHB Eligibility Matrix	✓	✓	✓	✓	✓
Permanent Court Staff (e.g., Pro Se, Death Penalty, Bankruptcy Appellate Panel)	AO 75E	✗ [1]	✓		✓	✓	✓	✓	✓
Term Chambers (Limited to 4 years or less)	AO 75A	✗ [1]	✓		✓	✓	✓	✗ [6]	✗ [6]
Temporary- more than 1 year (Chambers)	AO 75D	✗ [1]	✓		✓	✓	✓	✗ [6]	✗ [6]
Temporary- more than 1 year (Court Staff)	AO 75E	✗ [1]	✓		✓	✓	✓	✓	✓
Temporary- 1 year or less (Chambers)	AO 75D	✗ [1][2]	✓		✗ [4]	✗ [4]	✗ [4]	✗ [4]	✗ [4]
Temporary- 1 year or less (Court Staff)	AO 75E	✗ [1][2]	✓		✗ [4]	✗ [4]	✗ [4]	✗ [4]	✗ [4]

[1] Law clerks are exempt from the provisions of 5 U.S.C. chapter 63, subchapter I (“Annual and Sick Leave,” formerly referred to as the “Leave Act”), unless specifically included by their appointing judge or local rule of court under authority of 28 U.S.C §§ 712, 752, 156(a), 634(c), and 794. This exemption includes annual leave, sick leave and home leave; and by reference, family and medical leave, voluntary leave transfer, and emergency leave transfer. Any law clerk who is exempt from 5 U.S.C, chapter 63, subchapter I remains eligible for court leave, military leave, bone marrow and organ donor leave, and time-off to attend the funeral of an immediate relative who died in military combat.

[2] If the temporary law clerk is covered by annual and sick leave provisions and the duration of the appointment is **less than 90 days**, the employee will only earn sick leave. If the appointment is extended to **90 days or more**, the employee will earn annual leave retroactively to the start of the appointment for each pay period in which a complete biweekly tour of duty is served. If the temporary law clerk is covered by annual and sick leave provisions and the duration of the appointment is **90 days to 1 year or less**, the incumbent will earn sick and annual leave starting the first pay period in which a complete biweekly tour of duty is served.

[3] Please refer to the HR FEHB Eligibility Chart in order to determine FEHB eligibility. Coverage is dependent on employee work schedule, length of appointment, and hours worked. FEHB coverage is available to permanent, temporary, and intermittent employees who are expected to work at least 130 hours per month for at least 90 days. These eligible employees who elect an FEHB plan receive the same government premium contribution as “full-time” permanent employees.

[4] FEDVIP, FEGLI, Retirement, Supplemental Benefits, and TSP are available only if transferring without a break in service from a previously covered position.

[5] Supplemental benefits include health and dependent care reimbursement accounts, commuter benefits, Transportation Subsidy Program, and long-term care. If the employee is eligible for these benefits, each benefit is optional. Enrollment in any one of them is not required in order to elect any other supplemental benefit.

[6] Retirement and TSP are available only if transferring without a break in service from a previously covered position.